



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: The Development Review Committee and
Mayté Santamaria, Senior Director of Planning & Environmental Resources

From: Emily Schemper, Comprehensive Planning Manager

Date: November 29, 2016

Subject: *Request for an amendment to the Minor Conditional Use Permit approved by D.O. 07-16 in order to allow the development of 2,615 SF of medium intensity commercial retail in addition to the 6 attached affordable housing employee dwelling units and 1,780 SF of medium intensity commercial retail approved by D.O. 07-16 on property located at 91865 Overseas Highway (US 1), Tavernier, Key Largo, approximate mile marker 92, Real Estate #00555610.000000 (File #2016-172)*

Meeting: December 13, 2016

I REQUEST:

On September 29, 2016, Tavernier Hotel Holdings, LLC submitted an application for an amendment to a minor conditional use permit (CUP) requesting to change the use of 2,615 SF of floor area previously approved as accessory space for six (6) attached, affordable employee housing dwelling units, to medium intensity commercial retail floor area. Also included in the development plan is a historic building containing an existing 1,780 square feet of medium intensity commercial retail (currently known as "Moka Café").



Subject Property Outlined, with Land Use (Zoning) District (Aerial dated 2015)

II BACKGROUND INFORMATION:

Location: MM 91.8, Tavernier, Oceanside

Address: 91865 Overseas Highway, Tavernier

Description: Lots 1, 2, 3, 4, 5, 36, and 37, Block A, Tavernier No. 2 (PB2-8), together with that portion of the alley as disclaimed in Official Records Book 405, Page 1100, Key Largo, Monroe County, Florida

Real Estate Number: 00555610.000000

Size of Site: 0.48 acres

Land Use District (LUD): Suburban Commercial (SC)

Land Use District Overlays: Tavernier Historic District Overlay; Tavernier Creek to Mile Marker 97 U.S. Highway 1 Corridor District Overlay ("General Urban" zone)

Future Land Use Map (FLUM) Designation: Mixed Use/Commercial (MC)

Tier Designation: Tier III

Flood Zone: AE-EL 10

Existing Use: Hotel, Commercial Retail/Restaurant, some vacant

Existing Vegetation / Habitat: Scarified

Owner/Applicant: Tavernier Hotel Holdings, LLC

Agent: Key Largo Hospitality Group LLC/ (Jorge Cepero)

Community Character of Immediate Vicinity: Adjacent land currently has Suburban Commercial zoning to the north and west along US1, developed with commercial businesses; and Improved Subdivision zoning to the south along Tavern Drive, developed with single family residences.

III RELEVANT PRIOR COUNTY ACTIONS:

On August 17, 2005, the Monroe County Board of County Commissioners (BOCC) adopted Ordinance No. 019-2005, amending the Monroe County Code to create the Tavernier Historic District Overlay, and amending the Land Use District Map to establish the boundaries of the Tavernier Historic District Overlay. On November 12, 1996, the BOCC signed Resolution Numbers 524-1996, 525-1996, 526-1996, and 527-1996, designating the "Copper Kettle," the "Standard Oil Gas Station," the "Tavernier Hotel," and the "Old Tavern Tea Room," respectively, as historic and cultural landmarks. The site is located within the Tavernier Historic District Overlay on the Land Use District (Zoning) Map, and is also specifically designated as a historic landmark. It is therefore subject to the historic preservation regulations in the Monroe County Land Development Code.

On March 26, 2015, the County issued a Letter of Understanding (LOU), updating and confirming an LOU dated November 16, 2006 regarding the subject property. In the LOUs, the County recognizes eighteen (18) transient units, one (1) permanent dwelling unit, and 4,108 square feet of nonresidential floor area as lawfully established on the site and thereby exempt from the ROGO/NROGO permit allocation system (18 transient ROGO exemptions; 1 permanent ROGO exemption; 4,108 square feet of nonresidential floor area exempt from NROGO). The 2015 LOU provides details regarding which portions of the buildings on the site contain which types of ROGO/NROGO exemptions.

On June 7, 2016, the Monroe County Historic Preservation Commission signed Resolution HP 11-16, granting a special certificate of appropriateness to Tavernier Hotel Holdings, LLC, to restore the first story of the front façade of the Tavernier Inn by eliminating the windows and replacing them with new entry doors.

On August 19, 2016, the Senior Director of Planning and Environmental Resources (the chair of the DRC) signed Development Order No. 06-16, approving a minor CUP to allow the transfer of eighteen (18) TREs from 91865 Overseas Highway, Tavernier, approximate mile marker 92, commonly known as Tavernier Inn (the subject property for the current minor CUP request), to 97450 Overseas Highway, Key Largo, approximate mile marker 97.5, commonly known as Playa Largo Resort. The development order was recorded in the official records of Monroe County, and thereby became effective, on November 7, 2016.

On September 1, 2016, the Senior Director of Planning and Environmental Resources (the chair of the DRC) signed Development Order No. 07-16, approving a minor CUP to allow the redevelopment of the hotel complex into six (6) affordable employee housing dwelling units, associated accessory uses, and 1,780 SF of medium intensity commercial retail (the existing “Moka Café”). D.O. 07-16 was recorded in the official records of Monroe County, and thereby became effective, on November 9, 2016.

Development of the 6 affordable units under the minor CUP approved by D.O. 07-16 and the commercial floor area proposed under the CUP amendment currently under review will fulfill condition number one of D.O. 06-16 (TREs), which states, “no building permit shall be issued for the hotel rooms requiring the TREs on the receiver site (Playa Largo) until the structures in which the hotel rooms to be transferred are located (Tavernier Inn and associated buildings on the site) are converted to another permitted use as per an issued building permit, and a final certificate of occupancy for the conversion has been issued.”

IV REVIEW OF APPLICATION:

MCC §110-67 provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Development Review Committee and Director of Planning & Environmental Resources shall consider the extent to which:

1. *The conditional use is consistent with the purposes, goals, objectives and standards of the comprehensive plan and the land development regulations:*

Policies from the *Monroe County Year 2010 Comprehensive Plan* that directly pertain to the proposed use include:

Policy 101.5.6

The principal purpose of the Mixed Use/Commercial (MC) future land use category is to provide for the establishment of mixed use commercial land use (zoning) districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and conserve areas of mixed uses,

which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public, and commercial retail uses.

This future land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and nonresidential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. The County shall continue to take a proactive role in encouraging the preservation and enhancement of community character and recreational and commercial working waterfronts.

Policy 101.5.25

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the FLUM and described in Policies 101.5.1 - 101.5.20 [§163.3177(6)(a)1.,F.S.].

Policy 101.3.3

Monroe County shall allocate at least 20% of the annual allocation, or as may be established by the State of Florida, pursuant to Administration Commission Rules, to affordable housing units as part of ROGO. Any portion of the allocations not used for affordable housing shall be retained and be made available for affordable housing from ROGO year to ROGO year. Affordable housing eligible for this separate allocation shall meet the criteria specified in Policy 601.1.4 and the Land Development Code, but shall not be subject to the competitive Residential Permit Allocation and Point System in Policy 101.6.4. Any parcel proposed for affordable housing shall not be located within an area designated as Tier I as set forth under Goal 105 or within a Tier III-A Special Protection Area as set forth in Policy 205.1.1.

Policy 601.1.4

All affordable housing projects which receive development benefits from Monroe County, including but not limited to ROGO allocation award(s) reserved for affordable housing, maximum net density, or donations of land, shall be required to maintain the project as affordable for a period of 99 years pursuant to deed restrictions or other mechanisms specified in the Land Development Code, and administered by Monroe County or the Monroe County Housing Authority.

Consistency with the land development regulations is addressed later in this report.

2. *The conditional use is consistent with the community character of the immediate vicinity:*

Adjacent land currently has Suburban Commercial zoning to the north and west along US1, developed with commercial businesses; and Improved Subdivision zoning to the south along Tavern Drive, developed with single family residences.

Parcels surrounding the subject property currently have zoning designations of Suburban Commercial and Improved Subdivision. Land uses surrounding the subject property include a mixture of residential, office, light industrial, and commercial retail.

The parcel has a tier designation of Tier III. The majority of the site is scarified, consisting of pea-rock gravel, pavers, and asphalt.

The proposed residential and commercial retail development is consistent with the community character of the immediate vicinity.

3. *The design of the proposed development minimizes adverse effects, including visual impacts, on adjacent properties:*

The current use of the site includes 18 hotel rooms and 1,780 square feet of commercial floor area. The proposed CUP will allow a reduction in the number of units to 6 affordable employee dwelling units, and an increase in the amount of nonresidential floor area to 4,395 square feet. According to the traffic letter submitted by the applicant, the proposed change of use will result in a slight increase in the number of average daily trips to and from the site (an increase of nine (9) daily trips).

The proposed redevelopment/reuse is to occur within the existing buildings on the site, which are designated as local historic landmarks by the BOCC. Any change to the appearance of the buildings will require review by the Monroe County Historic Preservation Commission and approval of a special certificate of appropriateness.

Additionally, as required by the Land Development Code, the applicant will be installing native trees and landscaping along the perimeter of the property as a district boundary buffer, to the maximum extent practicable given the physical constraints on the site and its historic status.

The proposed redevelopment minimizes adverse effects, including visual impacts, on adjacent properties.

4. *The proposed use will have an adverse impact on the value of surrounding properties:*

There is no evidence indicating that the proposed redevelopment will have an adverse impact on the value of the surrounding properties.

5. *The adequacy of public facilities and services, including, but not limited to, roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged according to standards from and specifically modified by the public facilities capital improvements adopted in the annual report required by the Land Development Code:*

A. Roads:

Localized Impacts & Access Management: If applicable to their respective jurisdiction, access to and from the development shall be approved by the Public Works Division and the Florida Department of Transportation (FDOT).

The site currently does not have vehicular access onto US1, and the applicant is not proposing any new access along US1.

The Director of Engineering has reviewed the proposed change of use, and issued a memorandum on October 6, 2016, saying they have no comments at this time. The Public Works Department shall review any proposed work within County public rights-of-way, including any future improvements proposed to the existing access drives along Atlantic Circle Drive and/or Tavern Drive. The Department maintains the right to request revisions as it carries out its review of any application for an access permit. It is the responsibility of the applicant to obtain all required permits before starting work. In addition, new access drives must be designed in accordance with the Land Development Code (Land Development Code requirements are addressed later in this report).

Level of Service (LOS): The projected trip generation and level of service of US 1 directly affect whether or not the redevelopment may be permitted or prohibited. According to the 2015 US 1 Arterial Travel Time and Delay Study, Segment 22 of US 1 had a level of service of “A” and has a maximum reserve capacity of 10,466 trips. The traffic letter submitted by the applicant shows an increase of nine (9) daily vehicle trips to and from the site based on the proposed redevelopment, which is well under the number reserve trips available, therefore the level of service is adequate.

- B. Stormwater: The applicant is not proposing any changes or increases to the existing impervious area on the site. Therefore, no stormwater management plan is required at this time.
 - C. Sewer: The applicant has submitted a letter of coordination from Key Largo Wastewater Treatment District (KLWTD), dated November 2, 2016, regarding the sewer system for the proposed development, stating that KLWTD’s infrastructure is sufficient at this time to accept wastewater discharge from the proposed development.
 - D. Water: The applicant has submitted a letter of coordination from the Florida Keys Aqueduct Authority, dated November 10, 2016, regarding potable water service and has indicated no objection to the proposed development.
 - E. Refuse Disposal: The applicant has submitted a letter of coordination from Monroe County Solid Waste Management, dated October 25, 2016, indicating no objection to the proposed development.
 - F. Emergency Management: The applicant has submitted a letter of coordination from the Office of the Fire Marshal, dated October 25, 2016, indicating no objection to the proposed development. The Fire Marshall will require additional improvements at the time of building permit review.
6. *The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to*

guarantee the provision and development of any open space and other improvements associated with the proposed development:

There is no evidence to support or disprove the applicant's financial and technical capacity.

7. *The development will adversely affect a known archaeological, historical or cultural resource:*

The only exterior change proposed as part of the redevelopment is the addition of two entry doors on the north side of the hotel building along US1. This proposed change has already been reviewed by, and received approval from, the Historic Preservation Commission via Resolution HP 11-16, granting a special certificate of appropriateness to Tavernier Hotel Holdings, LLC, to restore the first story of the front façade of the Tavernier Inn by eliminating the windows and replacing them with new entry doors.

If the applicant proposes any additional exterior changes in the future, a separate special certificate of appropriateness must be acquired from the Historic Preservation Commission.

Therefore, the proposed development will not adversely affect any known archaeological, historical or cultural resource

8. *Public access to public beaches and other waterfront areas is preserved as part of the proposed development:*

The proposed redevelopment will not have an adverse impact on public access to a waterfront area. The property is under private ownership and does not have any shoreline areas.

9. *The proposed use complies with all additional standards imposed on it by the particular provision of the Land Development Code authorizing such use and by all other applicable requirements of the Monroe County Code:*

A. Residential Rate of Growth Ordinance (ROGO) (§138-19–§138-28): *Compliance to be determined at time of building permit issuance.*

Pursuant to MCC §138-21, the residential Rate of Growth Ordinance (ROGO) shall apply to all residential dwelling units for which a building permit is required by the Land Development Code and for which building permits have not been issued prior to July 13, 1992, except as otherwise provided.

Prior to issuance of any building permit for conversion of a hotel room to an affordable employee housing unit, the applicant must obtain a ROGO allocation (affordable ROGO allocations may be available) for each affordable employee housing unit included in the permit application scope of work.

B. Nonresidential Rate of Growth Ordinance (NROGO) (§138-47–§138-56): *In compliance.*

As confirmed in the LOU dated March 14, 2015, 4,108 SF of nonresidential floor area is recognized on the site as exempt from the NROGO permit allocation system. The applicant is proposing a total of 4,395 SF of medium intensity commercial retail floor area. Therefore, the applicant must obtain a 287 SF allocation of NROGO floor area prior to the issuance of any building permit for conversion of hotel or accessory space into commercial floor area beyond the exempt 4,108 SF. Up to 1,000 SF of de minimis NROGO square footage may be available for the site.

The proposed 1,365 square feet of residential amenity floor area (storage, study rooms, laundry room, lounge, library, etc.) is considered accessory to the principal residential use and does not require NROGO. Such areas will not be counted as nonresidential floor area, provided they are accessible for use by the residents of the property and not open for use by the public.

C. Purpose of the SC District (§130-43): *In compliance.*

Pursuant to MCC §130-43, *The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.*

Per the definition of “employee housing” in LDC §101-1, the proposed attached employee housing units will serve the local population, as they are *intended to serve as affordable, permanent housing for working households, which derive at least 70 percent of their household income from gainful employment in the county.*

The proposed development is in compliance with the purpose of the SC zoning district.

D. Permitted Uses (§130-93): *In compliance.*

The proposed uses include 4,395 square feet of medium intensity commercial retail; six (6) attached affordable employee housing dwelling units; and accessory uses to the dwelling units including storage space, an office, a lounge, and a laundry room.

Pursuant to §130-93, in the SC district:

- Commercial retail, low- and medium-intensity and office uses or any combination thereof of greater than 2,500 but less than 10,000 square feet of floor area, provided that access to U.S. 1 is by way of:
 - a. An existing curb cut;
 - b. A signalized intersection; or

- c. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;
- Attached and unattached residential dwellings involving six to 18 units, designated as employee housing as provided for in section 130-161 are permitted as a minor conditional use; and
- Accessory uses are permitted as of right.

According to the definitions in §101-1:

- *Commercial retail use means a use that sells goods or services at retail. Commercial retail uses are divided into the following three classifications:*
 - (1) *Commercial retail low-intensity means commercial retail uses that generate less than 50 average daily trips per 1,000 square feet of floor area.*
 - (2) *Commercial retail medium-intensity means retail uses that generate between 50 and 100 average daily trips per 1,000 square feet of floor area.*
 - (3) *Commercial retail high-intensity means retail uses that generate above 100 average daily trips per 1,000 square feet of floor area.*

Per the traffic letter submitted by the applicant, the proposed type of commercial retail use on the site generates only 44.32 daily trips per 1,000 square feet of gross floor area. However, the applicant is asking for approval of the floor area as a medium intensity commercial retail use to accommodate a wider range of prospective tenants in the future.

- *Employee housing means an attached or detached dwelling unit that is intended to serve as affordable, permanent housing for working households, which derive at least 70 percent of their household income from gainful employment in the county and meet the requirements for affordable housing as defined in this section and as per section 130-161.*

Per LDC §130-161(f), prior to the issuance of a building permit for any of the proposed affordable employee housing units, a restrictive covenant shall be approved by the County and recorded in the office of the Clerk of the County to ensure compliance with the provisions of Section 130-161 of the Land Development Code regarding affordable and employee housing.

- *Accessory use or accessory structure means a use or structure that:*
 - (1) *Is subordinate to and serves an existing principal use or principal structure; and*
 - (2) *Is subordinate in area, extent and purpose to an existing principal use or principal structure served; and*
 - (3) *Contributes to the comfort, convenience or necessity of occupants of the principal use or principal structure served; and*

- (4) *Is located on the same lot/parcel or on a lot/parcel that is under the same ownership as the lot/parcel on which the principal use or principal structure is located; and*
- (5) *Is located on the same lot/parcel or on a contiguous lot/parcel as an existing principal use or principal structure, excluding accessory docking facilities that may be permitted on adjacent lots/parcels pursuant to section 118-12; and*
- (6) *Is located in the same land use (zoning) district as the principal use or principal structure, excluding off-site parking facilities pursuant to section 114-67.*

Accessory uses include the utilization of yards for home gardens, provided that the produce of the garden is for noncommercial purpose. In no event shall an accessory use or structure be established prior to the principal use to which it is accessory. Accessory uses shall not include guest units or any other potentially habitable structures. Habitable structures are considered to be dwelling units as defined in this section.

The applicant has identified 4,244 square feet of floor area proposed to be converted into affordable employee housing units, and 1,365 square feet of floor area to be converted into accessory uses for the dwelling units.

E. Residential Density and Maximum Floor Area Ratio (§130-157 & §130-164): *In compliance.*

Maximum Net Density (§130-157)					
Land Use	Maximum Net Density	Buildable Area (subtract 0.20 open space ratio)	Maximum Allowed	Proposed	Potential Used
Attached dwelling units - affordable	18 du/ buildable acre	0.38 buildable acres	6.8 du	6 du	88.2% as affordable housing
Nonresidential Intensity (§130-164)					
Land Use	Maximum F.A.R.	Size of Site (upland)	Maximum Allowed	Proposed	Potential Used
Commercial Retail – Medium Intensity	0.25	20,908 SF	5,227 SF	4,395 SF	84.1%
Cumulative total					N/A*
*Per §130-161(a)(5), <i>Notwithstanding the provisions of [Chapter 130 – Land Use Districts: Article V. – Land Use Intensities], when calculating density, any existing lawfully established or proposed affordable or employee housing on a parcel and the floor area thereof shall be excluded from the calculation of the total gross nonresidential floor area development that may be lawfully established on the parcel, provided, however, that the total residential density allowed on the site shall not exceed the maximum net density for affordable and employee housing.</i>					

As shown in the table on the previous page, the site is in compliance with the density requirements of §130-157 for the attached affordable employee housing dwelling units, and with the nonresidential intensity requirements of §130-164 for the commercial retail use. The applicant is using 88.2% of the site's maximum net density for the attached affordable employee housing dwelling units, and 84.1% of the site's maximum nonresidential intensity for the commercial retail use. Per §130-161(a)(5), *Notwithstanding the provisions of [Chapter 130 – Land Use Districts: Article V. – Land Use Intensities], when calculating density, any existing lawfully established or proposed affordable or employee housing on a parcel and the floor area thereof shall be excluded from the calculation of the total gross nonresidential floor area development that may be lawfully established on the parcel, provided, however, that the total residential density allowed on the site shall not exceed the maximum net density for affordable and employee housing.*

F. Required Open Space (§118-9 & §130-157): *In compliance.*

There is a required open space ratio of 0.20 or 20% in the SC land use district. In total, the property consists of 20,908 square feet of upland area. Therefore, at least 4,182 square feet of the site must remain open space. The site data table on the proposed site plan indicates that there will be 10,469 square feet of pervious area on the site.

G. Setbacks (§130-186): *In compliance (lawfully nonconforming).*

Non-shoreline setbacks (§130-186):

The required non-shoreline setbacks in the SC district are as follows:

- Primary front yard: 25'
- Secondary front yard: 15'
- Primary side yard: 10'
- Secondary side yard: 5'
- Rear yard: 10'

As shown on the proposed site plan, and consistent with the submitted boundary survey, the existing structures and uses on the site are nonconforming to the required setbacks on the site:

Required vs. Existing Non-Shoreline Setbacks (§130-186)			
Property Line	Type of setback required	Required Setback	Existing/Provided Setback
Northwest (adjacent to US1)	Primary Front Yard	25'	0'
Northeast (adjacent to Atlantic Circle Drive)	Secondary Front Yard	15'	0'
Southeast (adjacent to Tavern Drive)	Secondary Front Yard	15'	2'
Southwest (property line between Lot 36 and adjacent Lot 35)	Secondary Side Yard	5'	0'

Southwest (property line between Lots 4&5 and adjacent Lot 35)	Rear Yard	10'	0'
Southwest (property line between Lot 5 and adjacent Lot 6)	Secondary Side Yard	5'	0'

The proposed change of use does not include any changes that change the footprint of the structures on the site. Furthermore, the buildings on the site are designated as historic landmarks by the BOCC. The nonconforming structures may continue pursuant to §102-57. - Nonconforming structures, and §134-58 – Nonconforming Structures (within Chapter 134 – Miscellaneous: Article III – Archaeological, Historical or Cultural Landmarks).

H. Maximum Height (§130-187): *In compliance.*

No structure or building shall be developed that exceeds a maximum height of 35'-0", as measured from grade (unless a listed exception in MCC §130-187).

Height is defined as "the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in MCC chapter 146. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations.

Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher. To confirm the natural elevation of the ground surface, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007. In the event 2007 LiDAR data is not available for a given parcel, the county shall use the best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.

No new buildings or external changes to existing buildings that affect height are proposed on the site. According to the data table on the proposed site plan, the maximum building height on the site is 27.67 feet.

I. Surface Water Management Criteria (§114-3): *In compliance.*

Pursuant to §114-3(d) Exemptions, *Notwithstanding any other provisions of this land development code, the following activities are exempt, unless otherwise required by state or federal law:*

...

(2) Routine maintenance of existing impervious area other than single family and duplex residences shall meet one of the following conditions:

a. The maintenance does not increase the existing impervious conditions of the site; or

b. The proposed maintenance is certified by a licensed engineer demonstrating that the maintenance will not increase the design peak discharge rate, volume pollution load of stormwater runoff, or impervious coverage of the site; or

c. The placement of a new structure does not change the designed peak discharge rate, volume or pollution load, or increase impervious coverage of site area of stormwater runoff from the site.

The applicant is not proposing any changes or increases to the existing impervious area on the site. Therefore, no stormwater management plan is required at this time.

J. Wastewater Treatment Criteria (§114-5): *Full compliance to be determined by KLWTD, DEP, and Building Department prior to the issuance of a building permit.*

The applicant has submitted a letter of coordination from Key Largo Wastewater Treatment District (KLWTD), dated November 2, 2016, regarding the sewer system for the proposed development, stating that KLWTD's infrastructure is sufficient at this time to accept wastewater discharge from the proposed development.

K. Fencing (§114-20): *In compliance.*

The applicant is not proposing any new fencing or changes to existing fencing on the site at this time.

L. Floodplain Management (§122-1–§122-6): *Full compliance to be determined upon building permit application review.*

The site is designated within an AE-EL 10 flood zone on the Federal Emergency Management Agency (FEMA)'s flood insurance rate maps. The proposed redevelopment will be reviewed at the time of building permit application for compliance with floodplain regulations.

M. Energy Conservation Standards (§114-45): *Full compliance to be determined upon building permit application review.*

Not enough information was provided to determine if the development proposal includes the following required energy conservation measures: reduced coverage by asphalt, concrete, rock and similar substances in streets, parking lots and other areas to reduce local air temperatures and reflected light and heat; use of energy-efficient feature in window design; use of operable windows and ceiling fans; installation of energy-efficient appliances and equipment; prohibition of deed restrictions or

covenants that would prevent or unnecessarily hamper energy conservation efforts; installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas; and orientation of structures, as possible, to reduce solar heat gain by walls and to use the natural cooling effects of the wind.

- N. Potable Water Conservation Standards (§114-46): *Full compliance to be determined by FKAA and Building Department prior to the issuance of a building permit.*

The applicant has submitted a letter of coordination from the Florida Keys Aqueduct Authority (FKAA), dated November 10, 2016, regarding the proposed development, stating that FKAA has no objection to the proposed change of use.

- O. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8): *Full compliance to be determined upon building permit application review.*

In accordance with MCC §118-7(1), to the maximum extent practicable, development shall be sited so as to preserve all listed threatened, endangered, commercially exploited, and regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than 4”.

In accordance with §118-8, the removal of any listed threatened, endangered, commercially exploited, and regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than four inches shall require payment to the county environmental land management and restoration fund in an amount sufficient to replace each removed plant or tree on a 2:1 basis. The number, species, and sizes of trees and plants to be mitigated shall be identified in the existing conditions report approved by the county biologist in accordance with the minimum size requirements set forth in §114-101.

No removal of vegetation is proposed on the site at this time.

- P. Required Parking (§114-67 & §130-128): *In compliance (existing nonconformity – compliance to the greatest extent practicable).*

Specific Use	Multiplier	Proposed Use	Required
Eating and Drinking Establishments	For areas devoted to food/beverage service, 1.0 space per 3 seats or 3.0 spaces per 1,000 sq. ft. of nonresidential floor area, whichever total amount is higher. For other areas, 3.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building separate	Seating area: 41 seats (41/3 = 13.67 spaces) Non-seating area: 842 SF (.842*3 = 2.53 spaces)	16 spaces

	from the seating area and devoted to activities other than food/beverage service (including, but not limited to, kitchen, office, retail sales not related to food or beverage and storage).		
Commercial Retail	3.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building and 1.5 spaces per 1,000 sq. ft. of area devoted to outdoor retail sales	2,615 SF	8 spaces
Residential Development	1.5 spaces per dwelling unit*	6 dwelling units (6*1.5 = 9 spaces)	9 spaces
Total			33 spaces
Shared Parking:			
Residential & Retail	Divide total required by 1.2*	33 spaces / 1.2	28 spaces
*Pursuant to §130-128, within the Tavernier Creek to Mile Marker 97 U.S. Highway 1 Corridor Development Standards and Guidelines, Residential parking requirements for the “General Urban” zone of the Tavernier Creek to Mile Marker 97 U.S. Highway 1 Corridor are lowered to 1.5 spaces per dwelling unit, and for parking shared by residential and retail development, the total number of spaces required is divided by 1.2.			

As shown in the table above, 28 parking spaces are required on the site to accommodate six (6) residential dwelling units, 1,780 square foot restaurant (with 41 seats and 842 square feet of non-seating floor area), and 2,615 square feet of commercial retail. The proposed site plan includes 19 parking spaces: 17 existing parking spaces on the subject parcel, and two on-street parking spaces along the US1 frontage of the site. Pursuant to §130-128, within the Tavernier Creek to Mile Marker 97 U.S. Highway 1 Corridor Development Standards and Guidelines, in the “General Urban” zone, *on-street parking available along the each site’s frontage can be counted as part of the parking requirement for the uses found on that site.*

The existing hotel and commercial retail uses on the site are already nonconforming to the off-street parking requirements of the Land Development Code. Pursuant to §102-59 (Nonconforming signs, parking, landscaping, lighting, access, and bufferyards), *...nonconforming signs and all uses that are nonconforming due to failure to comply with the standards of chapter 114, articles III-VI and chapter 142, shall bring their properties into compliance with these provisions whenever substantial improvements or change of use are proposed or, if such is physically impossible due to site size, the physical layout of structure on and adjoining the site, into compliance to the maximum extent practical.*

Additionally, pursuant to §130-129, within the Tavernier Historic District Preservation Guidelines, for Contributing Structures, *up to 100% of the parking requirement may be waived if considered appropriate after review.*

Based on the site's historic designation, the size of the site, and the physical layout of the existing historic structures, staff has determined that the provision of 19 parking spaces (a deficit of 9 parking spaces from the required 28 spaces) is compliant with the provisions of §114-67 (Required off-street parking) to the maximum extent practical.

Q. Required Loading and Unloading Spaces (§114-69): *Existing nonconformity.*

For nonresidential uses of 0-2,499 SF, one loading space of 11 by 35 feet is required. The proposed site plan does not identify a loading space for the existing 1,780 SF commercial retail use, however this is an existing nonconformity and no changes are proposed to the existing nonresidential use on the site. The applicant is not proposing any new buildings or external changes to existing buildings on the site. Furthermore, the site is designated as a historic landmark. The property does not have additional land area to accommodate a loading zone.

R. Required Landscaping (§114-99 – §114-105): *In compliance (existing nonconformity).*

The existing parking lot landscaping is already nonconforming to the landscaping requirements of the Land Development Code. Pursuant to §102-59 (Nonconforming signs, parking, landscaping, lighting, access, and bufferyards), *...nonconforming signs and all uses that are nonconforming due to failure to comply with the standards of chapter 114, articles III-VI and chapter 142, shall bring their properties into compliance with these provisions whenever substantial improvements or change of use are proposed or, if such is physically impossible due to site size, the physical layout of structure on and adjoining the site, into compliance to the maximum extent practical.*

The applicant is not proposing an increase in the number of parking spaces or any changes to the parking lot area and therefore is not required to bring the parking lot into compliance with the landscaping requirements at this time. Note – as discussed under “Required Bufferyards” below, the applicant is proposing the addition of some native vegetation along the perimeter of the property, adjacent to the parking lot.

S. Required Bufferyards (§114-124 – §114-130): *In compliance (existing nonconformity – compliance to the maximum extent practical).*

A major street bufferyard is required along the US 1 right-of-way. In the SC district, the required major street bufferyard is a class “C” bufferyard. The minimum class “C” bufferyard is 10’ in width. No major street bufferyard currently exists on the site. According to the boundary survey of the site, the existing historic buildings are set

back less than eight feet from the property line along US 1, and the setback area is occupied by pavers and planter areas. Per the applicant, it is not feasible to plant any bufferyard areas along US 1.

Land use district bufferyards are required. Along the southeast and southwest property lines there is an Improved Subdivision (IS) district. Along an SC/IS boundary line, a class "D" district boundary bufferyard is required. A class "D" bufferyard has a minimum width of 20' and its planting requirements are described/illustrated in MCC §114-128. No district boundary bufferyard currently exists on the site. Based on the existing layout of the parking lot and fencing on the site, the applicant has indicated that a 20' bufferyard is not feasible on the site. The submitted site plan indicates a 2' wide class "D" buffer along the southeast and southwest property lines.

The existing development on the site is already nonconforming to the landscaping and bufferyard requirements of the Land Development Code. Pursuant to §102-59 (Nonconforming signs, parking, landscaping, lighting, access, and bufferyards), *...nonconforming signs and all uses that are nonconforming due to failure to comply with the standards of chapter 114, articles III-VI and chapter 142, shall bring their properties into compliance with these provisions whenever substantial improvements or change of use are proposed or, if such is physically impossible due to site size, the physical layout of structure on and adjoining the site, into compliance to the maximum extent practical.* Based on the site's historic designation, the size of the site, and the physical layout of the existing historic structures, staff has determined that the proposed landscape plan is compliant with bufferyard requirements of the Land Development Code to the maximum extent practical.

- T. Outdoor Lighting (§114-159–§114-163): *Full compliance to be determined upon building permit application review.*

Outdoor lighting is not being reviewed as part of this application. Any new outdoor lighting shall be reviewed independently for compliance as an accessory use/structure under a building permit application.

- U. Signs (§142-1–§142-7): *Full compliance to be determined upon building permit application review.*

Signage is not being reviewed as part of this application. Any new signage shall be reviewed independently for compliance as an accessory use/structure under a building permit application.

- V. Access Standards (§114-195 – §114-201): *Not applicable.*

There is one existing vehicular access point to and from the development along Atlantic Circle Drive, and one existing vehicular access point to and from the development along Tavern Drive. The site has no existing access along US1.

No changes to access are proposed.

W. Recycling Area (§114-21): *In compliance (existing nonconformity – compliance to the maximum extent practical).*

Per §114-21, a solid waste/recycling collection area of at least 144 square feet is required for the six attached dwelling units, and a solid waste/recycling collection area of at least 82 square feet is required for the 1,780 SF commercial retail use.

- *A collection area may be set back five feet from any side yard property line.*
- *Collection areas shall be screened on at least three sides. Screening shall consist of a solid or semi-opaque enclosure that shall not exceed six feet in height.*
- *The enclosure shall provide a minimum of one foot six inch clearance on each side of the container.*
- *Area required is measured from the interior dimensions of the enclosure. Enough room should be provided to move and lift containers. The design of the enclosure should make it easy to keep container lids shut at all times.*
- *Exterior collection areas should be located in an area accessible and convenient to the intended users (typically no more than 200 feet from the farthest user). The location of the collection area should not interfere with the primary use of the site. It should be located in areas that can tolerate noise, odor and increased pedestrian and vehicle traffic. The collection area should be designed to be easily accessible by all collection vehicles.*

The existing site layout includes a fenced-in “dumpster station” of approximately 85 square feet at the corner of Atlantic Circle Drive and Tavern Drive. The majority of the existing dumpster area is located on public right of way. The proposed site plan removes this dumpster from the public right of way, and includes an alternative waste/recycling area of approximately 88 square feet in the interior of the property. Based on the site’s historic designation, the size of the site, and the physical layout of the existing historic structures, staff has determined that the proposed site plan is compliant the recycling area requirements of the Land Development Code to the maximum extent practical.

V RECOMMENDED ACTION:

Staff recommends APPROVAL if all of the following conditions are met:

1. Prior to issuance of any building permit for conversion of a hotel room to an affordable employee housing unit, the applicant must obtain a ROGO allocation (affordable ROGO allocations may be available) for each affordable employee housing unit included in the permit application scope of work.
2. Prior to issuance of any building permit for conversion of floor area to commercial retail space in excess of 4,108 square feet (including the existing Moka Café floor area), the

applicant must obtain an NROGO allocation (de minimis expansion may be available) for the proposed floor area.

3. Per LDC §130-161(f), prior to the issuance of a building permit for any of the proposed affordable employee housing units, a restrictive covenant shall be approved by the County and recorded in the office of the Clerk of the County to ensure compliance with the provisions of LDC §130-161 regarding affordable and employee housing.
4. Prior to the issuance of a certificate of occupancy for any proposed affordable employee housing dwelling unit or new commercial floor area, all required landscaping shall be formally approved by a Building Permit, planted and pass a final inspection by the County Biologist or his or her designee.
5. A minor conditional use permit is not a final approval for certain development. The applicant shall obtain a building permit(s) for any improvement requiring such an approval.
6. The scope of work has not been reviewed for compliance with Florida Building Code. Prior to the issuance of Building Permits, new development and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, and the Office of the Fire Marshal.
7. The Public Works Division shall review any proposed work within County public rights-of-way and the Division maintains the right to request revisions as it carries out its review of any application for an access permit. It is the responsibility of the applicant to obtain all required permits before starting work.

VI PLANS REVIEWED:

1. Proposed Reference Site Plan (Sheet A100), by Mayer S. Abbo, Prime Design Associates, dated 9/22/2016, signed and sealed 9/27/2016;
2. Existing and New Floor Plans (Sheet A202), by Mayer S. Abbo, Prime Design Associates, dated 9/22/2016; and
3. Landscape Plan (Sheet LP-1), by Steven E. Tate, Covelli Design Associates, LLC, dated 7/1/2016, signed and sealed 7/5/2016.